

Express Mail No. EV473972060US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Brines et al.	Confirmation No.:	5119
Serial No.:	09/717,057	Art Unit:	1647
Filed:	November 21, 2000	Examiner:	DeBerry, Regina M.
For:	MODULATION OF EXCITABLE TISSUE FUNCTION BY PERIPHERALLY ADMINISTERED ERYTHROPOIETIN	Attorney Docket No:	10165-010-999

**REQUEST FOR A CORRECTED FILING RECEIPT**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants enclose a marked-up copy of the Updated Filing Receipt issued April 24, 2001 by the United States Patent and Trademark Office (USPTO) in connection with the above-identified application. Please note the requested correction indicated on the marked-up copy.

The Updated Filing Receipt states that this application claims benefit of priority of U.S. Provisional Application No. 60/118,030 filed February 1, 1999, which is incorrect. The Filing Receipt should state under Domestic Priority data as claimed by applicant:

THIS APPLICATION IS A DIV OF 09/547,220 04/11/2000  
WHICH CLAIMS BENEFIT OF 60/129,131 04/13/1999

Applicants also enclose herewith a copy of the first original Filing Receipt issued March 22, 2001, which contains the correct Domestic Priority data as claimed by applicant under the heading "Continuing Data as Claimed by Applicant." Applicants also enclose a copy of an Application Data Sheet Under 37 C.F.R. § 1.72, which indicates the priority information of the application, and the return Express Mail Receipt, dated February 22, 2001.

Applicants also note that the Group Art Unit on the Updated Filing Receipt is listed as 1636. Applicants request that this be corrected to 1647 as reflected on the Fee Transmittal (PTOL-85) submitted concurrently herewith.

It is respectfully requested that the USPTO correct this error and forward a corrected Filing Receipt to the undersigned.

No fee is believed to be due for this submission since the error has been made on the part of the USPTO. Should any fee be due, please charge the required fee to Jones Day Deposit Account No. 50-3013.

Date:	<u>August 14, 2007</u>	Respectfully submitted,	
		<u>Laura A. Coruzzi</u>	<u>30,742</u>
		Laura A. Coruzzi	Reg. No.
		<b>JONES DAY</b>	
		222 East 41st Street	
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		<u>by Aileen E. Falvey</u>	<u>46,097</u>

E. FALVRY  
1725

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/717,057	11/21/2000	1836	420	10185-010-999	17	11	1

CONFIRMATION NO. 5119

## UPDATED FILING RECEIPT



\*OC000000006000857\*

Pennie & Edmonds LLP  
1155 Avenue of the Americas  
New York City, NY 10036-2711

Date Mailed: 04/24/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Michael Brines, Woodbridge, CT;  
Anthony Cerami, New York City, NY;  
Carla Cerami, Sleepy Hollow, NY;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/547,220 04/11/2000 /  
WHICH CLAIMS BENEFIT OF 60/129,131 04/13/1999 /  
~~WHICH CLAIMS BENEFIT OF 60/118,930 02/01/1999 /~~  
~~(\*) Data inconsistent with PTO records.~~

## Foreign Applications

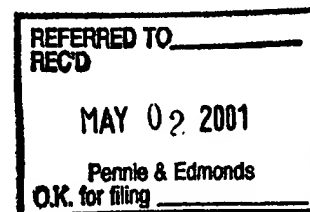
If Required, Foreign Filing License Granted 03/21/2001

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*



**Title**

Modulation of excitable tissue function by peripherally administered erythropoietin ✓

**Preliminary Class**

435

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**Data entry by :** TABA, LORNA

**Team :** OIPE

**Date:** 04/24/2001

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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**PLEASE NOTE** the following information about the Filing Receipt:

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- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

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Customer Service Center  
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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/717,057 ✓	11/21/2000 ✓	1636 ✓	355	10185-010-999 ✓	17	11	1

20583  
PENNIE AND EDMONDS  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 100362711

CONFIRMATION NO. 5119  
FILING RECEIPT



\*OC00000005869381\*

Date Mailed: 03/22/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Michael Brines, Woodbridge, CT; ✓  
Anthony Cerami, New York City, NY; ✓  
Carla Cerami, Sleepy Hollow, NY;

## Continuing Data as Claimed by Applicant

THIS APPLICATION IS A DIV OF 09/547,220 04/11/2000 ✓  
WHICH CLAIMS BENEFIT OF 60/129,131 04/13/1999

## Foreign Applications

If Required, Foreign Filing License Granted 03/21/2001

Projected Publication Date:

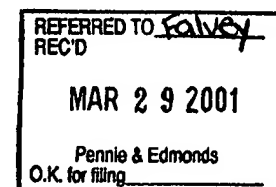
Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Modulation of excitable tissue function by peripherally administered erythropoietin ✓



**Preliminary Class**  
435

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**Data entry by : TSIGE, WUBALEM**

**Team : OIPE**

**Date: 03/22/2001**

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



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Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231



Express Mail No.: EL 501 637 075 US

**APPLICATION DATA SHEET UNDER 37 C.F.R. § 1.72**

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**Inventor Three:**

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Family Name: Cerami  
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State or Province: New York  
Postal or Zip Code: 10591  
Citizenship Country: United States

**Correspondence Information:**

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Address Line Two: 1155 Avenue of the Americas  
City: New York City  
State or Province: New York  
Postal or Zip Code: 10036-2711  
Telephone One: (212) 790-2803  
Telephone Two: (212) 790-9090  
Fax: (212) 869-9741/8864  
Electronic Mail:

**Application Information:**

Title Line One: MODULATION OF EXCITABLE TISSUE FUNCTION  
Title Line Two: BY PERIPHERALLY ADMINISTERED ERYTHROPOIETIN  
Total Drawing Sheets: 17  
Formal Drawings?: No  
Application Type: Utility  
Docket No.: 10165-010-999

**Representative Information:**

Representative Customer No.: 20583

**Continuity Information:**

This application is a: Divisional application of pending  
Application One: Application No. 09/547,220  
Filing Date: April 11, 2000

claiming priority to:  
Application Two: Application No. 60/129,131  
Filing Date: April 13, 1999

NY2-1166728.4